

REMARKS

Claims 1-7, and 12-14 are presently pending in the application. Claims 1-3, 5, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,771,435 (“Brown”) in view of U. S. Patent No. 4,706,121 (“Young”). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Young in further view of Cooper. Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Young, Ahmad, and Cooper. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Young in further view of U. S. Patent No. 5,835,843 (“Haddad”) and U. S. Patent No. 6,055,571 (“Fulp”). Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Young, Haddad, and Fulp in further view of Bates and U. S. Patent No. 5,699,107 (“Lawler”). It is submitted that claims 1-7 and 12-14, as amended, are allowable over the cited art for at least the following reasons.

Independent claim 1, as amended, is directed towards providing and displaying a program guide including a list of bi-directional services indicating their availability information (i.e., available or unavailable). A subscriber can then make selections of any of the bi-directional services. Subsequent to a subscriber receiving a selection, the current bandwidth consumption of the system, availability of the requested service, and a schedule that includes service rights for each subscriber is determined. If there is adequate bandwidth available, the requested service is available, and the subscriber’s service rights allow, the bi-directional service is rendered.

After rendering a requested bi-directional service, the bi-directional services database is updated to reflect whether the previously rendered bi-directional service is still available or unavailable for other subscribers. Subsequently, the program guide is populated with the updated availability information and presented to the subscribers. Depending upon different determining factors, the rendered bi-directional service may still be available to another subscriber.

As taught in the present invention, a bi-directional service is inherently “bi-directional” in that real-time communications are continually transmitted between a supplier of the bi-directional service to a subscriber. This bi-directional communication between the supplier and the subscriber continues until such time as the bi-directional service ends. In this manner, independent claim 1 was amended to more clearly define the “bi-directional” aspect of the service. Specifically, once the bi-directional service is rendered, real-time communications between a supplier of the bi-directional service and the requesting subscriber are maintained. Furthermore, a bi-directional services server monitors the real-time communications between the supplier and the requesting subscriber.

It is submitted that Brown and Young, either alone or in conjunction, do not discuss or teach bi-directional services such as the present invention. Brown is directed towards requesting and receiving NVOD and VOD programs. A subscriber may select a NVOD or VOD program displayed in a program

guide. Subsequently, the system renders the selected program to the subscriber. After rendering the program, there is no bi-directional communication between the NVOD / VOD server and the viewing node. Similarly, Young presents a subscriber with a program guide, and the subscriber may select a program. The system then transmits the selected program to the subscriber for viewing. However, such as in Brown, there is no bi-directional communication between the system and the subscriber regarding the selected program. In other words, there is no bi-directional service (i.e., ongoing real-time communication) between a supplier of a service and a subscriber receiving the service.

Additionally, Brown or Young do not teach or discuss determining a subscriber's service rights prior to rendering the bi-directional service. It is submitted that determining a subscriber's service rights is different than displaying the availability or unavailability of a service or program. More specifically, Young teaches populating a program guide based on the decryption capabilities of the set top box. If a set top box is unable to decrypt a particular program, the program guide does not display that program. This action, however, does not allow a subscriber to view any "unavailable" programs, such as in the present invention, and subsequently request them. In the present invention, a program guide discloses all bi-directional services along with the availability information. In this manner, a subscriber may request an unavailable bi-directional service at any time. Then depending upon several other factors (e.g., current bandwidth consumption and the bi-directional service rights schedule), the bi-directional service may still be rendered or scheduled for future consumption.

As previously mentioned, neither Brown nor Young discuss or imply maintaining bi-directional real-time communications between a supplier of the requested program and the requesting subscriber once a selected program is transmitted to a subscriber. Since there is no bi-directional real-time communication regarding a requested and transmitted program, it is also submitted that Brown and Young do not teach or imply monitoring any real-time communications of a rendered bi-directional service between the supplier and the subscriber.

It is believed, therefore, that independent claim 1 is patentable over the cited art.

Dependent claim 2, as amended, is directed towards receiving a request for further information regarding a particular bi-directional service. The information about each bi-directional service may include any of the following: description, supplier name, rating, duration, availability times, etc. The requested information is then transmitted to the requestor regarding the particular bi-directional service.

It is submitted that Brown does not teach or imply receiving a request for further information regarding a particular NVOD presentation. As stated in col. 3, lines 35-50, Brown teaches that a viewing node may initially request an NVOD presentation. Subsequently, the viewing node may request a VOD presentation, which may be streaming the same program as the NVOD presentation; however, the VOD presentation is a different program altogether and includes no further information about the NVOD

presentation. It is submitted that dependent claim 2, which further limits patentable claim 1, is also patentable over the cited art.

Dependent claim 3, as amended, is directed towards querying a schedule including each subscriber's bi-directional service rights prior to rendering a bi-directional service. Some of these rights include bandwidth allocation, duration of the service, recording rights of the service, start time, and picture quality.

It is submitted that Brown or Young, either alone or in conjunction, do not teach or imply querying a schedule, which indicates a subscriber's bi-directional service rights. It is submitted that dependent claim 3, which further limits patentable claim 1, is also patentable over the cited art.

Independent claim 13, as amended, is directed towards a system that provides access to a plurality of bi-directional services. As previously mentioned, a bi-directional service is inherently "bi-directional" in that real-time communications are continually transmitted between a supplier of the bi-directional service to a subscriber. This bi-directional communication between the supplier and the subscriber continues until such time as the bi-directional service ends. Claim 13 includes means for receiving availability information corresponding to bi-directional services from at least one remote supplier. A bi-directional services database is then updated to include the availability information in order to present a bi-directional services program guide to a plurality of subscribers. A subscriber can then select one of the bi-directional services. Dependent upon bandwidth capacity and a subscriber's service rights, a bi-directional communication session is set up between a remote supplier and a subscriber. This real-time communication is then established for the entirety of the bi-directional session. The bi-directional services program guide is then updated with availability information and retransmitted to the subscribers.

It is submitted that Brown and Young do not render independent claim 13 obvious for the reasons stated in regard with claim 1. Additionally, Brown and Young do not teach or discuss determining a subscriber's bi-directional service rights as a condition of rendering the bi-directional service. Ahmed and Cooper do not fix the failings of Brown and Young to render claim 13 obvious. The Examiner relies upon Cooper's chat room to render obvious the present invention's bi-directional communication session. It is submitted, however, that the present invention establishes real-time communication directly between a supplier and a subscriber. The communications is then monitored. Cooper's chat room does not set up a session directly between one person and another; the chat room includes a middle server that receives and presents comments between subscribers. It is believed that this is not equivalent to setting up a direct communication link between a supplier and a subscriber such as taught in the present invention.

It is believed, therefore, that independent claims 1 and 13 are allowable over the cited art. Dependent claims 2-7, 12 and 14, which further limit allowable claims 1 and 13, are also patentable over

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the cited art. Reconsideration and reexamination of the present application is requested in view of the foregoing amendment and in view of the remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated July 30, 2007. Claims 1-7 and 12-14 will be pending in the present application upon entry of the present amendment, with claims 1 and 13 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 2 independent claims. Because Applicant has paid herewith for 20 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

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